

MERANZE AND KATZ, P.C.  
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**UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRICKLAYERS AND ALLIED CRAFTWORKERS	:	
LOCAL 1 OF PA/DE et al.	:	CIVIL ACTION
	:	
Plaintiffs,	:	NO. 02CV-4079
	:	
v.	:	
	:	
MASTRO MASONRY CONTRACTORS et al.	:	
	:	
Defendants	:	
	:	

**AFFIDAVIT OF COUNSEL**

COMMONWEALTH OF PENNSYLVANIA	}	
	}	ss
COUNTY OF PHILADELPHIA	}	

CLAIBORNE S. NEWLIN, ESQUIRE, being duly sworn, states the following:

1. I am one of the attorneys for the Plaintiffs in the above matter.
2. On September 4, 2002, Plaintiffs filed a Motion For Default Judgment.
3. In their motion, Plaintiffs claimed attorney's fees in the amount of \$2775.00 for 18.5 hours that Plaintiffs' attorney had spent prosecuting the case up to that point.
4. As Exhibit "C" to that motion, Plaintiff submitted a detailed statement of all time spent (15.5 hours) except 3.0 hours preparing the Motion For Default.
5. On October 16, 2003, Plaintiffs filed an Amended Motion For Default Judgment.
6. In the Amended Motion, Plaintiffs requested a supplementary award of attorney's fees for an additional 12.0 hours, representing time devoted to this action subsequent to the September 4, 2002 Motion for Default.

7. Under Section 502(g)(2) of ERISA, 29 U.S.C. Section 1132(g)(2), an award for attorney's fees is mandatory when an employee benefit fund prevails in a delinquency action. *Bd. of Tr. of Trucking Emp. Pension Fund v. Centra*, 983 F.2d 495 (3d Cir. 1992).

8. A detailed statement of all time expended, including the 3.0 hours claimed in the original motion for default, is attached as Exhibit "A."

9. The total time spent on this matter by Claiborne S. Newlin and for which Plaintiffs seek reimbursement is 30.5 hours.

10. The time spent on this matter was reasonable and necessary to prosecute Plaintiffs' claims.

11. Since February of 2000, Mr. Newlin has been engaged primarily in the practice of labor law and the representation of benefit funds as an Associate in the labor side law firm of Meranze and Katz, P.C.

12. Claiborne S. Newlin has been a member of the Pennsylvania Bar since November 12, 1999.

13. Claiborne S. Newlin and the law firm of Meranze and Katz, P.C. charge clients \$150.00 per hour for Mr. Newlin's representation in labor related matters.

14. The hourly rate charged by Claiborne S. Newlin and Meranze and Katz, P.C. is consistent with those of counsel of similar experience in the Philadelphia area.

15. The total fees for which Plaintiffs seek reimbursement are therefore \$4,575.00.

The foregoing is true to best of my knowledge, information and belief.

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CLAIBORNE S. NEWLIN

Sworn and Subscribed  
Before Me This \_\_\_\_ day  
Of \_\_\_\_\_, 2003

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Notary Public